

Appl. No. 09/885,849
Amdt. dated June 29, 2004
Reply to Office Action of Mar. 29, 2004

NC 29331

REMARKS/ARGUMENTS

Claims 1-20 remain in this application, wherein claims 15 and 16 have been amended to overcome the rejection under 35 USC 112 second paragraph.

The examiner has rejected claims 17, 18 and 20 under 35 U.S.C. 102(b) as being anticipated by Valentine et al. (U.S. Patent No. 6,011,973A). The patent of Valentine teaches a cellular telephone having the ability to disable transmissions in various geographical locations, col. 1 lines 56-59. The geographical information can be contained within a SIM card in the cellular telephone, col. 2 lines 50-58, or alternatively in a network resource downloaded to the cellular telephone, col. 2 lines 3-11.

In regard to claims 17, 18 and 20 Valentine fails to teach the sector-zone delineation of the presently claimed invention. The location awareness of Valentine is limited to cell sectors, col. 4 lines 11-20, and is incapable of parsing location to the extent of the present invention. As noted in the passage of col. 1 lines 26-30, the cell coverage changes with the nature of the physical

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environment and is a crude approach to disable transmission capability of the cellular telephone. As an example, the GPS supplied coordinates may drift in or out of a defined cell zone as the soft-edge nature of the cell changes depending upon the environment (i.e. temperature, humidity, precipitation, etc.) resulting in transmission function when in a no-transmission location.

Claims 1-4, 6, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being obvious over Valentine et al. (U.S. Patent No. 6,011,973A) in view of Fitch et al. (U.S. Patent No. 6,424,840).

The patent of Fitch teaches a network determined location of a wireless device to facilitate proper billing rates for home and away phone calls, col. 2 lines 20-32. A primary advantage of the Fitch invention is the flexibility of accurate network location within a dynamic cellular network, where additional base stations change operation of cell selection, col. 3 lines 17-20, col. 4 lines 21-24 and col. 5 lines 41-49. In distinction to Valentine's GPS, Fitch uses the cell network to provide location of the wireless device, col. 6 lines 6-12. Fitch does not present

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adjustment of any action of the electronic device. The wireless device operates the same if inside or outside a defined home zone, only the software enabled billing rate changes.

In regard to the rejection of claims 1-4,6,7,10 and 11, Fitch is silent regarding adjusting any function of the electronic device. The combination of the references is improper to provide an obviousness argument over the present invention, as no motivation exists to use Fitch's network location in a GPS system of Valentine. Selectively using Fitch's defined zones within cell sectors is outside the scope contemplated by Valentine, and requires a network based location method completely distinct from the GPS operation discussed in Valentine. These location methods are mutually exclusive and would not lead one of ordinary skill in the art to selectively combine these references.

Claims 5,8,9 and 12-16 are rejected under 35 U.S.C. 103(a) as being obvious over Valentine et al. (U.S. Patent No. 6,011,973A) in view of Fitch et al. (U.S. Patent No. 6,424,840), and further in view of Kirbas et al. (U.S. Patent No. 6,701,144B2).

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The patent of Kirbas teaches automatic configuration of a mobile telephone when entering a pre-stored location, col. 1 lines 34-36. GPS can be used to provide the geographic location, col. 2 lines 15-16. Storing unit 40 and execution unit 70 provide operative instructions, col. 2 lines 17-23. An important distinction over the presently claimed invention is found in col. 2 lines 31-34, where the mobile telephone must be located in the area requiring altered operating parameters. A user selected center-point and radius must be entered to define the boundaries of the protected area, col. 2 lines 38-41, and user must also define the configuration required when entering the defined location, col. 2 lines 50-52.

In regard to the rejection of claims 5,8,9 and 12-16, Kirbas does not teach determining current sector or evaluating for the presence of one or more zones. Furthermore, no external database is contemplated by Kirbas, as the labor intensive process is required to enter all data to denote the protected area. Combination of Kirbas with either Valentine or Fitch is problematic at best, as no billing or cell identification is present within the four corners of Kirbas and can therefore provide no motivation for the alleged combination.

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Accordingly, present claims 1-20 are believed to be in allowable form having overcome all existing rejections set forth within the office action of March 29, 2004. Therefore, the applicant respectfully requests allowance of all the claims and issuance of a notice of allowance.

Respectfully submitted,



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